

**MEDICAL EXAMINING BOARD  
REGULAR MEETING  
SEPTEMBER 24, 2003**

**MEMBERS PRESENT:** Drs. Lief Erickson, Alfred Franger, Ronald Grossman, Jon Gudeman, Sidney Johnson, Jack Lockhart, Daniel Miota, Sandra Mahkorn, Ian Munro and Mary Cook, Virginia Heinemann and Karen Kalishek

**MEMBERS EXCUSED:** Bhupinder Saini

**STAFF PRESENT:** Tom Ryan, Bureau Director; Wayne Austin, Legal Counsel; Pamela Meicher, Program Assistant; and DOE staff for a portion of the meeting

**GUESTS:** Mark Grapentine, State Medical Society of Wisconsin; Barbara Rothe, Rita Hirsch, Katherine Rogers, Attorney Raymond Roeder, Ron Hermes, WI Perfusion Society; W. Dudley Johnson, WI Perfusion Society

**CALL TO ORDER**

Chair Sidney Johnson called the meeting to order at 8:01 a.m.

**APPROVAL OF AGENDA**

**Amendments:** Senate Bill 238  
Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Legislation  
Request from Drew Carlson, FSMB Director of Communications  
Three Year and Death Cases Reports  
DOE Pending Cases Report  
Amended Language for Med 22.05(3)  
Monitoring Report – Kim Chung

**MOTION:** Ronald Grossman moved, seconded by Alfred Franger, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES AUGUST 20, 2003**

**Correction:** Page 1 –Add Mary Cook to members present.

**MOTION:** Ronald Grossman moved, seconded by Alfred Franger, to approve the minutes of August 20, 2003, as corrected. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

Secretary Donsia Strong Hill reported to the Board that she had spoken with the Governor on the state of the Department. This year the Department completed placing all applications and Code Books on the website, resolved 1063 cases from a workload of 1486, and is working on IT strategic planning with other agencies. Secretary Strong Hill shared some of the Department goals for next year which include: the elimination of pre-1999 cases by January 2004, pre-2001 cases by May 2004, and the DOE re-engineering. The Secretary is also developing more proactive consumer protection and public education policies and programs.

A discussion ensued about the current DRL fee structure. The Board offered to contact the Legislative Audit Committee to accelerate completion of the Audit of the Department's fee structure.

Bureau Director Tom Ryan reported that the Governor is tentatively scheduled to speak at the Board Member Workshop luncheon on October 14, 2003.

**MOTION:** Ronald Grossman moved, seconded by Karen Kalishek, to send a letter to the legislature supporting the timely completion of the fee study audit by the Legislative Audit Committee. Motion carried unanimously.

**PRESENTATION OF OBJECTIONS AND RESPONSE IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST WILLIAM J. FABER, D.O.,  
RESPONDENT, LS0211222MED – APPEARANCES BY DOE ATTORNEY JAMES  
POLEWSKI AND RAYMOND ROEDER**

DOE Attorney James Polewski and Attorney Raymond Roeder presented oral objections and response in the matter concerning William J. Faber, D.O. This matter will be deliberated on in closed session.

**USMLE CLINICAL SKILLS EXAMINATION LEARNING LAB – PROFESSIONAL  
MEMBER VOLUNTEER AND MOTION TO APPROVE TRAVEL**

The Federation of State Medical Boards (FSMB) has invited two members of the Medical Examining Board to attend the USMLE Clinical Skills Examination Learning Lab on November 3 and December 5, 2003. The FSMB will underwrite the cost of travel and lodging. The Department feels it is necessary to send an administrative staff person who works in this area and a professional member of the Board to the lab. After a brief discussion, the Board delegated Dr. Franger and Patti Darwin to attend the labs.

**MOTION:** Daniel Miota moved, seconded by Ian Munro, to delegate Dr. Franger as the professional delegate to attend the USMLE Clinical Skills Lab on December 5, 2003, and to delegate Patti Darwin as the staff member to attend the lab on November 3, 2003. Motion carried unanimously.

## **TEMPORARY LICENSURE OF PERFUSIONISTS – MODIFICATION OF RULE**

Tom Ryan discussed the meeting held by Senator Roessler on September 10, 2003. Senator Roessler asked for modifications to the rule draft under review by the legislature. She asked that the Perfusionist Examining Council review the rule. It did so and submitted to the Board amendments.

Wayne Austin provided the Board with modified language. After discussion, the Board approved the modified Perfusionist Rule. The modifications are:

### 1. Amend § Med 22.05(3) of the draft to read as follows:

(3) Temporary license. (a) A temporary license expires one year from the date of its issuance. Upon application, and upon submission of evidence of having passed the perfusion basic scientific examination, the temporary license may be renewed for an additional period of one year. The Board may extend the term of the temporary license for an additional 6 months if the applicant was unable to complete the perfusion basic scientific examination within the one year period due to hardship, including but not limited to illness of the applicant, the illness or death of a family member of the applicant, an accident or natural disaster. A written affidavit of the hardship must be provided.

(b) If the applicant fails the perfusion basic science examination prior to the expiration of the temporary permit, the applicant shall work under the direct supervision of a licensed perfusionist who is available on the hospital premises to assist.

(c) If the applicant fails the clinical application in perfusion examination prior to the expiration of the temporary permit, the temporary permit expires.

### 2. Delete § 22.05(4) of the draft.

**MOTION:** Alfred Franger moved, seconded by Daniel Miota, to approve the modified Perfusion Rule. Roll Call Vote: Mary Cook-yes, Lief Erickson-yes, Alfred Franger-yes, Ronald Grossman-no, Jon Gudeman-yes, Virginia Heinemann-yes, Sidney Johnson-yes, Karen Kalishek-yes, Jack Lockhart-yes, Sandra Mahkorn-no, Daniel Miota-yes, Ian Munro-yes. Motion carried.

## **COMPLIANCE QUESTIONS – JAMES MILFORD, MD, WIS. ADMIN. CODE MED § 8.10**

The Board reviewed the letter from James A. Milford, MD, requesting Board approval to continue to supervise three physician assistants (PA). The Board stated that since Dr. Milford never supervises more than two PAs at the same time, he is within the provisions of Wis. Admin. Code § Med 8.10. Wayne Austin will draft a response letter to Dr. Milford.

## **MOBILE DIAGNOSTIC SCANNING – DISCUSSION**

The Board briefly discussed the mobile Magnetic Resonance (MRI) that is housed in self-contained mobile trailers.

## **LEGISLATIVE ACTIVITY**

### **AB 226 – DISCUSSION**

The Board noted concerns with the information in the Bill covering complaints and other issues. The Board would like more time to review and understand the bill and the impact it may have on the Board. Tom Ryan will draft a letter to Senator Carol Roessler for Dr. Johnson's signature requesting the Senate Health Committee delay executive session on SB 226 until the Board evaluates its provisions more completely at its October meeting.

### **AB 227 – DISCUSSION**

The Board briefly discussed that this Bill would increase the Board membership and asked that it be placed on the October agenda for further review.

### **AB 355 DISCUSSION (REVIEW REQUESTED BY PHARMACY EXAMINING BOARD CHAIR)**

This bill was provided to the Board at the request of the Pharmacy Examining Board (PEB). The PEB thought that MEB should be aware of the material covered in the bill that will impact physicians and require additional records requirements. The Board took no position on the legislation.

## **REPORT OF SCREENING COMMITTEE**

Virginia Heinemann reported the Screening Committee reviewed 39 cases. Sixteen cases were opened, 23 cases were not opened.

The Screening Panel for October will be Drs. Gudeman, Erickson, and Virginia Heinemann.

## **PAIN MANAGEMENT**

### **FALL MEETING VOLUNTEERS – FINALIZATION OF SCHEDULE**

There were no volunteers to attend the October 1, 2003 session in Madison, all other sessions are covered.

### **LETTER FROM JUNE DAHL, UW MEDICAL SCHOOL**

The Board noted the letter from June Dahl recognizing the Board's decision to not adopt the Model Guidelines from the Federation of the State Medical Boards.

## **INFORMATIONAL ITEMS**

Noted.

### **RECESS TO CLOSED SESSION**

**MOTION:** Alfred Franger moved, seconded by Ronald Grossman, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § (1) (b)), and Wis. Stat. § 440.205; consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call vote: Drs. Lief Erickson – yes, Alfred Franger – yes, Ronald Grossman – yes, Jon Gudeman, Sidney Johnson – yes, Jack Lockhart-yes, Sandra Mahkorn-yes, Daniel Miota – yes, Ian Munro-yes, and Mary Cook-yes, Virginia Heinemann-yes, and Karen Kalishek-yes. Motion carried unanimously.

Open session recessed at 10:01 a.m.

### **ACGME EQUIVALENCY REVIEW – MANU RAJ SOOD**

**MOTION:** Jack Lockhart moved, seconded by Ronald Grossman, to find that Manu Raj Sood post-graduate education is ACGME equivalent. Motion carried unanimously.

### **REVIEW OF APPLICATION – GREGORY T. MACLENNAN, MD, REQUEST FOR WAIVER OF LMCC RULE PENDING RULE CHANGE**

**MOTION:** Sandra Mahkorn moved, seconded by Alfred Franger, to approve the application of Gregory T. MacLennan, MD, pending the rule change to repeal the Wis. Admin. Code Med § 1.06. Motion carried unanimously.

### **DELIBERATION OF PROPOSED DECISION, OBJECTIONS, AND RESPONSE TO OBJECTIONS IN THE MATTER OF DISCIPLINARY PROCEEDINGS AGAINST WILLIAM J. FABER, DO**

**MOTION:** Ronald Grossman moved, seconded by Alfred Franger, that the Board amend the proposed decision in the Faber case and requested that Legal Counsel Wayne Austin draft a variance in this case consistent with the Board's decision. Mary Cook opposed. Motion carried.

### **JEFFREY JUNIG, MD – REQUEST FOR THREE MONTH STAY**

**MOTION:** Sandra Mahkorn moved, seconded by Alfred Franger, to grant a three month stay of suspension in the matter of Jeffrey Junig, MD, decrease his urine screens to once a week (52 times a year) and allow him to reapply for a DEA license. Jon Gudeman abstained. Motion carried.

**CHRISTOPHER RASMUSSEN, DM – REQUEST FOR THREE MONTH STAY WITH  
REQUEST FOR BOARD PRE-APPROVAL OF ETHICS COURSE**

**MOTION:** Alfred Franger moved, seconded by Ronald Grossman, to grant a three month stay of suspension in the matter of Christopher Rasmussen, MD, pending his completion of the ethics course that was approved by the Board. Motion carried unanimously.

**THOMAS STRICK, MD – REQUEST FOR THREE MONTH STAY WITH  
MODIFICATIONS**

**MOTION:** Ronald Grossman moved, seconded by Sandra Mahkorn, to grant a three month stay of suspension in the matter of Thomas Strick, MD, and allow him to apply for a DEA license. Motion carried unanimously.

**JOHN COATES, MD – REQUEST FOR FULL LICENSE**

**MOTION:** Ronald Grossman moved, seconded by Alfred Franger, to grant a full license to John Coates, MD, on 11/02/03. Motion carried unanimously.

**SCOTT CONANT, MD – REQUEST FOR THREE MONTH STAY**

**MOTION:** Daniel Miota moved, seconded by Alfred Franger, to grant a three month stay of suspension in the matter of Scott Conant, MD. Motion carried unanimously.

**EDWARD COONEY, MD – REQUEST FOR THREE MONTH STAY**

**MOTION:** Alfred Franger moved, seconded by Daniel Miota, to grant a three month stay of suspension in the matter of Edward Cooney, MD, and allow him to apply for his DEA license. Motion carried unanimously.

**NICHOLAS GEIMER, MD – REQUEST FOR THREE MONTH STAY**

**MOTION:** Ronald Grossman moved, seconded by Alfred Franger, to grant a three month stay of suspension in the matter of Nicholas Geimer, MD. Motion carried unanimously.

**STEVE MORRIS, MD – REVIEW FOR POSSIBLE VIOLATION OF BOARD ORDER**

**MOTION:** Ronald Grossman moved, seconded by Alfred Franger, to suspend the license of Steve Morris, MD, and request an appearance if he wants his license back. Motion carried unanimously.

## **DELBERT SCHAEFER – REQUEST FOR EXTENSION OF TIME TO COMPLETE CONTINUING EDUCATION**

**MOTION:** Ronald Grossman moved, seconded by Daniel Miota, to grant an extension of time for Delbert Schaefer to complete the course on provider-patient boundaries scheduled for November 18, 2003. Motion carried unanimously.

## **KIM CHUNG - REVIEW OF BOARD ORDER**

**MOTION:** Ronald Grossman moved, seconded by Alfred Franger, to deny the request of Kim Chung's attorney that the completion of UW-Continuing Medical Education (CME) meets the Final Decision and Order, and require that Kim Chung complete an assessment through UW-CME. Motion carried unanimously.

## **CASE STATUS REPORT**

Case advisors Daniel Miota and Ian Munro volunteered to meet individually with Sharon Henes after screening next month, to discuss their open cases.

**MOTION:** Virginia Heinemann moved, seconded by Sandra Mahkorn, to close complaints **03 MED 037, 03 MED 046, 03 MED 051, 03 MED 091, 03 MED 094, 03 MED 095, 03 MED 097, 03 MED 098, 03 MED 100, and 03 MED 104** for prosecutorial discretion. Motion carried unanimously.

**MOTION:** Daniel Miota moved, seconded by Karen Kalishek, to close complaints **03 MED 057** and **03 med 103** for no violation. Motion carried unanimously.

**MOTION:** Ian Munro moved, seconded by Virginia Heinemann, to close complaint **03 MED 180** for no violation. Motion carried unanimously.

**MOTION:** Sandra Mahkorn moved, seconded by Mary Cook, to close complaint **03 MED 023** and **03 MED 024** for no violation. Motion carried unanimously.

**MOTION:** Sandra Mahkorn moved, seconded by Daniel Miota, to close complaint **03 MED 111** for no violation. Motion carried unanimously.

**MOTION:** Lief Erickson moved, seconded by Karen Kalishek, to close complaint **01 MED 250** for no violation. Motion carried unanimously.

**MOTION:** Daniel Miota moved, seconded by Ian Munro, to close complaint **02 MED 417** for no violation. Motion carried unanimously.

**MOTION:** Daniel Miota moved, seconded by Karen Kalishek, to close complaint

**02 MED 167** for insufficient evidence. Motion carried unanimously.

**MOTION:** Daniel Miota moved, seconded by Karen Kalishek, to close complaint **98 MED 013** for insufficient evidence. Motion carried unanimously.

#### **RATIFYING LICENSES AND CERTIFICATES**

**MOTION:** Daniel Miota moved, seconded by Ian Munro, to ratify the applicants as licensed to practice medicine and surgery in the State of Wisconsin. Motion carried unanimously.

**MOTION:** Daniel Miota moved, seconded by Ian Munro, to ratify the applicants as licensed to practice as physician assistants in the State of Wisconsin. Motion carried unanimously.

#### **RECONVENE IN OPEN SESSION**

**MOTION:** Daniel Miota moved, seconded by Ian Munro, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 2:40 p.m.

#### **VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Ian Munro moved, seconded by John Gudeman, to vote to accept all motions made during closed session. Motion carried unanimously.

#### **ADJOURNMENT**

**MOTION:** Daniel Miota moved, seconded by Ian Munro, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:43 p.m.